IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 25732 of 1996

Between:
1. R. Chitra, W/o G.V.B. Swamy, Typist, University of Health Sciences, Vijayawada, R/o Vijayawada.
2. G. Vijayalakshmi, W/o Sudhakar, Typist, University of General Hospital, Vijayawada, R/o Vijayawada.
3. G. Balajidevi, D/o Nageswara Rao, Typist, working University Health Sciences, Vijayawada, R/o Vijayawada.

.....
PETITIONER

AND
1. The University of Health Sciences rep., by its Registrar, Vijayawada, Krishna District.
2. The Government of A.P., rep., by its Secretary, Finance & Planning Department, secretariat, Hyderabad.
3. The Government of A.P., rep., by its Secretary, HM & FW Dept., Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of mandamus declaring the action of the respondents in passing the impugned orders in reference NO.UHS/88/S.III/96 dated 18.11.1996 against the petitioners refusing to regularize the services of the petitioners on the ground that they have not completed 5 years of

service by 25.11.1993 and there are no sanctioned posts of typists as stipulated in G.O.Ms.No.212 F & P dated 22.4.1994 as illegal, unconstitutional and void and consequentially to direct the respondents to regularize the services of the petitioners in the regular posts of typists with effect from the date of completion of 5 years continuous service by each of the petitioners with all consequential benefits including payment of arrears for the services rendered by the petitioners.

Counsel for the Petitioners: Mr. M. Subba Reddy

Counsel for the 1st Respondent: Smt. Y. Padmavathi.

Counsel for the 2nd and 3rd respondents: G.P. for Finance & Planning.

The Court made the following:

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 25732 of 1996

ORDER:

The petitioners are working as typists in the 1st respondent-university. The petitioners were appointed as typists in the year 1989 and 1990 and they have completed six years of service by the date of filing of this writ petition. The petitioners and others filed W.P.No.5925 of 1991 seeking regularization of their services and the writ petition was disposed of by this Court on 7.8.1996 directing the respondents to consider the case of those petitioners for regularization in terms of G.O.Ms.No.212, dated 22.4.1994 and to pass appropriate orders, within two months from the date of the receipt of a copy of that order. The petitioners are getting time scale in pursuance of interim direction given by this Court in the said writ petition. Subsequent to the orders of this Court, the respondents considered their cases and passed orders on 18.11.1996 rejecting the cases of the petitioners for regularization on the ground that they have not completed five years of service as on 25.11.1993 and that there were no sanctioned posts of typists in the university. The petitioners contend that there were three vacancies of typist posts available in the university as on the relevant date. Therefore, the order of the respondents that the typist posts were not available is not correct. The petitioners being aggrieved by the order of rejection, dated 25.11.1993 approached this Court through this writ petition praying to declare the action of the respondents in passing the impugned order dated 18.11.1996 refusing to realize their services as illegal and unconstitutional.

The learned Counsel for the petitioners submits that the respondents are paying the time scale till now, in pursuance of the interim order granted by this Court in the earlier writ petition. Their grievance is that they were not considered for regularization on the ground that they did not complete five years of service and that there are no sanctioned posts. The learned Counsel for the petitioners could not place any information as to whether any typist posts were subsequently sanctioned.

In the light of the above circumstances, the respondents are directed to consider the cases of the petitioners regarding their request for regularization, on satisfying that they have completed five years of service and on the basis of sanctioned posts, if any, available in the university and to pass appropriate orders within two months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

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23rd September, 2004

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Copies to:

1. The Registrar, University of Health Sciences, Vijayawada, Krishna District.
2. The Secretary, Finance & Planning Department, secretariat, Government of A.P Hyderabad.
3. The Secretary, HM & FW Dept., Secretariat, Government of A.P., Hyderabad.
4. Two Copies to the G.P. for Finance & Planning, High Court Buildings, High Court of A.P., Hyderabad.(O.U.T)
5. Two C.D. copies.